

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE ST. JUDE MEDICAL, INC. :
SILZONE HEART VALVE PRODUCTS :
LIABILITY LITIGATION : MDL DOCKET NO. 1396

JOINT STATUS CONFERENCE REPORT

(Status Conference - August 28, 2003)

The parties have met and conferred and submit this status report to the Court.

1. GENERIC DISCOVERY

Pursuant to Pretrial Order No. 28, the cutoff date for completion of generic fact discovery is November 3, 2003. Due to pending court rulings on preemption and class certification, the parties have agreed to a 90 day extension of the discovery dates. Proposed PTO 28 memorializing this agreement has been presented to the Court for its consideration.

2. BRIEFING ON SUBCLASSES

St. Jude Medical's response to Plaintiffs' brief regarding subclasses is due on August 29, 2003. Plaintiffs' reply brief, if any, is due on September 10, 2003. The parties have met and conferred and agree that the Court should set a hearing for oral argument regarding the subclasses briefing.

3. PRODUCTION OF PRIVILEGE LOG DOCUMENTS

The Court's ruling regarding its in-camera inspection of a representative group of documents from St. Jude Medical's privilege log is currently pending. Following the Court's ruling on the

protected status of the privilege log documents, the continued deposition of James Ladner will be set before Special Master Rick Solum, pursuant to the Court's order of April 3, 2003.

3. CLASS NOTICE

Counsel for Class I and Class II have prepared a draft notice to send to the proposed respective classes notifying them of the conditional class certifications and advising them of their rights. Class Counsel seeks the approval of the Court to send out the class notices at the earliest date practical by mail and posting on the Internet.

St. Jude Medical objects to Plaintiffs' proposed class notice on the grounds that it is premature, unnecessary, and impractical to serve notice at this point. Although two classes have been conditionally certified, the identity and size of the class(es) has not yet been firmly established. The Court still must decide to what extent subclasses are appropriate and issue a final decision with respect to certification. St. Jude Medical contends that no potential class member will be prejudiced by not giving notice at this time because the class certification order is not final and no trial date has been set. Under the circumstances, the notice proposed would accomplish no meaningful purpose and would create needless confusion. St. Jude Medical believes that the Court should defer consideration of Plaintiff's request until a final order has been issued as to class certification. In any event, if the Court is inclined to consider Plaintiff's request to send out a notice at this time, St. Jude Medical requests that the Court allow briefing before making a decision on this issue.

Plaintiffs believe that it is appropriate to send notice to the classes at this time. Contrary to SJM's contention, the classes are readily identifiable and finite in number- 11,300. They should know sooner rather than later about the existence of this lawsuit and their rights. No confusion will

be caused by the conditional certification and the certification of the UDAP cause of action applicable to both classes is not conditional. Finally, there is no requirement that a trial date be set before a class certification notice is sent.

4. STATUS OF CANADIAN LITIGATION

In mid June, following four days of argument, the class certification motion in the Ontario action was taken under submission by Justice Cullity. A two day mediation session has been set for December 8 and 9, 2003. A discovery and briefing schedule has been established for the class action pending in Montreal but no hearing date has been set. In the British Columbia action, Mr. Justice Ralph was recently assigned to replace Mr. Justice Henderson, and a case management conference has been set for November 26, 2003.

ZIMMERMAN REED, P.L.L.P.

DATED: August 25, 2003

By _____
J. Gordon Rudd, Jr., #222082
David M. Cialkowski #0306526
651 Nicolett Mall, Suite 501
Minneapolis, MN 55402
(612) 341-0400

LIAISON COUNSEL FOR PLAINTIFFS

James T. Capretz, Esq.
Mike Bosko, Esq.
CAPRETZ & ASSOCIATES
5000 Birch Street, Suite 2500
Newport Beach, CA 92660
(949) 724-3000

Steven E. Angstreich, Esq.
Michael Coren, Esq.

Carolyn C. Lindheim, Esq.
LEVY, ANGSTREICH, FINNEY,
BALDANTE, RUBENSTEIN & COREN, PC
Woodcrest Pavilion, Suite 100
Ten Melrose Avenue
Cherry Hill, New Jersey 08003
(856) 424-8967

LEAD COUNSEL FOR PLAINTIFFS

Joe D. Jacobson, Esq.
David T. Butsch, Esq.
GREEN, SCHAFF & JACOBSON, P.C.
7733 Forsyth Boulevard, Suite 700
Clayton, Missouri 63105

LEAD COUNSEL FOR
CLASS II PLAINTIFFS

HALLELAND, LEWIS NILAN,
SPIKINS & JOHNSON

DATED: August 25, 2003

By _____
Tracy Van Steenburgh
220 South Sixth St., Suite 600
Minneapolis, MN 55402
(612) 338-1838

David E. Stanley
REED SMITH CROSBY HEAFEY LLP
335 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
(213) 457-8000

COUNSEL FOR DEFENDANT